



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

TO: Barry E. Hill, Director, Office of Environmental Justice ("OEJ")
Office of Enforcement and Compliance Assurance ("OECA")

FROM: Theodore J. Kim, Legal Counsel, OEJ/OECA /s/ *Ted Kim*

DATE: April 28, 2006

RE: "Environmental Justice in the News" for the Week Ending April 28, 2006
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This memorandum summarizes select environmental justice news actions for the period beginning April 14, 2006 through the week ending April 28, 2006. The summary is limited to Lexis/Nexis searches conducted using the query: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/25 minorit! or low***income) or (executive order 12898) or (civil right! w/25 environmental) or ("fair housing act" w/25 (environment! or zon!))." Please note that multiple articles covering the same topic were not included. Similarly, articles on international or foreign-based environmental justice issues were not included, unless they specifically pertained to the United States.

1. **News Items.**

The following news was particularly noteworthy:

- **"Novel CAL/EPA Tribal Inclusion Policy Seen Moving Slowly," Inside Cal/EPA (Apr. 21, 2006).** According to the article, Native Americans in California believe that the absence of a Secretary at California's Environmental Protection Agency ("Cal/EPA") has hindered their ability to finalize a new policy to address environmental issues on tribal lands that they have been working on with Cal/EPA. The Native Americans believe that the policy, when finalized, may help facilitate negotiations with state and federal officials on air, water, and toxics problems that "transcend the boundaries of their sovereign nations." Specifically, the policy would provide federal recognition to all tribes, including currently unrecognized tribes. The Native Americans recently provided Cal/EPA with draft recommendations; however, absence of a Secretary left them feeling uncertain as to how Cal/EPA will act. A Cal/EPA spokesperson, however, noted that the draft policy continues to

“move forward.” Some view the federal recognition issue as the most controversial; however, if granted, the Native Americans believe that immediate benefits will arise. Specifically, they cited the example of the Pala Band in San Diego County, which continues to fight the approval of a landfill that would be located near the Pala Tribe’s reservation. The Pala Tribe believed that if it “had a higher profile during the planning process, the ‘environmental justice’ issues associated with the landfill might have been addressed already.”

- **“Democratic Governors Celebrate Earth Day by Embracing Alternative Energy Solutions, Lead the Way in Reducing Addiction to Foreign Oil,” U.S. Newswire (Apr. 21, 2006).** According to the article, in preparation of the 36th anniversary of Earth Day, Democratic Governors in various states have embraced innovative policies to help protect the Nation’s environment and reduce its reliance on foreign oil. According to New Mexico Governor Bill Richards, the Democratic Governors Association Chair, a need for “urgent action” exists to preserve the environment, move closer to energy independence, and promote clean, alternative sources of energy. The article noted New Mexico’s efforts in this regard, through the issuance of Executive Orders to switch to renewable fuels and the creation of “an environmental justice task force to analyze effective ways to protect the environment.”
- **“News Briefs,” Cincinnati Enquirer (Apr. 20, 2006) at 1B.** According to one of the news briefs, the Communities United for Action filed a complaint on April 19, 2006 with the United States Environmental Protection Agency (“EPA”) that protested the siting of a landfill in the Winton Hills community. Specifically, the complaint alleged that Waste Management of Ohio, Inc., targeted the community for the landfill and violated the community’s civil rights, “because it’s a low-income minority neighborhood.”
- **“Minorities’ Health Focus of New State Office,” Pittsburgh Post-Gazette (Apr. 20, 2006) at B-1.** According to the article, the Office of Health Equity within Pennsylvania’s Department of Health (“Department”) plans to collaborate with state agencies, academic institutions, and community groups to improve the health status of racial minorities and eliminate “health disparities among minorities and other groups.” The office will be located within the Department’s Bureau of Health Planning. The new office was created due to the “significant differential in access to health care, or even knowledge about health care” between white residents and African Americans and Hispanics, who are more likely to die from certain cancers or other diseases. In addition, the article noted that African Americans in Pennsylvania were more likely than whites “to smoke, be overweight, or have asthma, diabetes, or high blood pressure.” Potential measures to reduce health disparities that the new office may explore include “broadening access to quality health care,

increasing the cultural competency of health care providers, and improving the environments where minorities . . . reside.”

- **“Plan Eases Rule on Toxic Disclosures; EPA: Only Those Handling 5,000 Pounds a Year of Listed Chemicals Would Have to File Annual Reports,” Press Enterprise (Riverside, CA Apr. 18, 2006) at A4.** According to the article, which discussed EPA’s plan to relax requirements of the Toxic Release Inventory and exempt releases of less than 5,000 pounds a year from disclosure, the Environmental Working Group issued a report on April 17, 2006 that determined that industries could stop disclosing about 1.2 million pounds of chemical pollution annually in California alone under EPA’s proposal. According to the article, EPA’s proposal stemmed from the fact that “the paperwork burden on industry has more than doubled since Congress approved the law in 1986. Industries nationwide now spend an estimated 4 million work-hours a year complying with the law as more chemicals and processes have been added to reporting requirements.” In contrast, environmentalists argue that “scaling back reporting would leave communities in the dark about the potential health risks from industrial pollution.” According to environmentalists, such useful information will allow “for safer land-use decisions and . . . help shape plans for evacuation from neighborhoods near factories that handle toxic chemicals in case of an industrial accident.”
- **“Environmental Advocate Wins National Award for Dedication,” Daily News of Los Angeles (Apr. 16, 2004) at AV1.** According to the article, Swedish carmaker Volvo recognized Jane Williams for her work on environmental justice issues at the “Volvo for Life” Awards ceremony in New York. Ms. Williams, the Executive Director of California Communities Against Toxics, a network of local environmental justice groups, was recognized for her work in cleaning California’s environment. In particular, Volvo noted Ms. Williams’ work in identifying toxins that cause brain cancer clusters among children in Rosamond, California. In addition, Ms. Williams was praised for her work in organizing dozens of communities to fight incinerators, landfills, and dumps that pollute their environment.
- **“Surface Transportation Board Issues Decision on Union Pacific Railroad, Salt Lake City Corporation-Abandonment Exemption,” U.S. Fed. News (Apr. 14, 2006).** The article set forth a published decision from the United States Department of Transportation’s Surface Transportation Board (“Board”) in *In re Union Pacific Railroad Co. and Salt Lake City Corp.-Abandonment Exemption* (No. AB-33-237-X) (Apr. 14, 2006). In this case, Union Pacific Railroad Company (“Union Pacific”) and Salt Lake City Corporation (“City”) filed a joint petition for an exemption from certain provisions in connection with the conditional abandonment of one of Union Pacific’s railroad lines. Union Pacific

suspended service on this line in 1999 to facilitate a project that the City undertook related to highway improvements. In 2001, Union Pacific decided to reactivate the line, which the City opposed, due to, among other things, environmental justice violations that could occur because the line would allow the trains to run through a minority community. The City then filed an adverse abandonment application requesting the Board to authorize abandonment of a portion of the line, which Union Pacific contested. The two companies subsequently negotiated two agreements regarding the line and its impact on the communities. One of the agreements requested an exemption that allowed the abandonment to go forward. An environmental assessment was performed that concluded that the “quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way.” The environmental assessment also considered whether the proposed abandonment presented disproportionately high or adverse impacts on minority and/or low-income communities. It determined that “the proposed abandonment did not warrant an environmental justice analysis because abandonment (defined as discontinuance of service over a dormant line and authority to dismantle the tracks) would not adversely affect the community. Rather, [the environmental analysis] believed that abandonment of that particular segment could have a beneficial impact in areas of noise and safety by removing the rail line from the community.” Accordingly, no Environmental Impact Statement on the abandonment was necessary. The Board noted that comments on the environmental assessment were welcome by May 15, 2006.

- **“South Coast Presses for Environmental Groups on Fuel Cell Outfit,” Inside Cal/EPA (Apr. 14, 2006).** According to the article, the South Coast Air District (“District”) has requested that the California Fuel Cell Partnership (“CFCP”) include environmental justice and environmental groups in its partnership, if CFCP wanted to keep the District as a member. The District, as well as environmental activists, believed that inclusion of environmental groups to the CFCP is critical to ensuring that “at-risk communities are properly represented when largely untested alternative-fuel projects, such as the California Hydrogen Highway, are implemented. . . . All the major stakeholders are not included, most notably absent are environmental groups and environmental justice groups, which have expressed some concerns about implementation of the California hydrogen highway in recent years.” According to the article, CFCO considered adding environmental groups recently, however, eventually rejected the idea. The District would like environmental justice groups and environmental groups fully engaged, since “environmental justice communities may be especially at risk because new hydrogen fueling stations or other facilities to generate hydrogen may be located in neighborhoods that already have significant industrial activity.” The

District's technology committee is scheduled to convene on April 28, 2006 to further discuss the issue.

- **“Rocky Mountain Region’s Non-Whites and Poor Live Closest to Toxic Places; Annual State of the Rockies Report Points Out Cities’ Environmental Justice Issues,” Ascribe Newswire (Apr. 13, 2006).** According to the article, the Colorado College 2006 State of the Rockies Report Card was released the week of April 10, 2006 at the Colorado College State of the Rockies Conference and revealed that in “most major metropolitan areas of the Rocky Mountain West, non-whites and the poor live closest to toxic areas.” According to the article, the report contained an environmental justice section that looked at 23 metropolitan areas within the eight-state region and found that in 18 of the 23 areas, “lower income people live closest to the toxic areas.” In addition, the report noted that “in 16 of the areas, non-whites live closest to toxic areas; and in 16 of the areas, Hispanics live closest to toxic areas. The report also specified some of the largest inequalities found in the States, which included: “[i]n Salt Lake City, Utah, per-capita income is 23 percent lower in toxic areas than it is in clean areas, and people living in toxic areas are nine percent more likely to be non-white; [i]n Phoenix, per-capita income is 21 percent lower in toxic areas, people living in toxic areas are 13 percent more likely to be non-white, and people living toxic areas are 17 percent more likely to be Hispanic than in clean areas; [i]n Pueblo, Colo., per-capita income is 19 percent lower in toxic areas than it is in clean areas and people living in toxic areas are 16 percent more likely to be Hispanic than are people in clean areas; [i]n Albuquerque, N.M., people living in toxic areas are 11 percent more likely to be Hispanic than are people in clean areas; [and] [i]n Colorado Springs, Colo., people living in toxic areas are 8 percent more likely to be non-white than are people in clean areas.” The report further found that “the Rockies region bears an inequitably high share of the Nation’s pollution;” however, the harm is not equitably distributed. This is evidenced in the finding that residents near toxic pollution sources earn 14 percent less income. In addition, the report determined that 4 percent more non-whites and 6 percent more Hispanics live “in areas near pollution sources than those living near non-polluted areas.”
- **“EPA Brief Raises Questions on Endangered Species Rules for Air Permits,” Environmental Policy Alert (Apr. 12, 2006).** According to the article, EPA issued “an unprecedented statement” in its brief that it submitted to EPA’s Environmental Appeals Board (“Board”) on March 17, 2006. In its brief, EPA asserted that it occasionally must consider impacts on endangered species before approving air permits for new industrial facilities. In addition, EPA questioned whether the States that implemented federal air programs had similar discretionary responsibilities. The brief was filed in an ongoing dispute over the construction of a coal-fired power plant in Illinois. Pursuant to its

delegated authority to administer the Prevention of Significant Deterioration (“PSD”) program under the Clean Air Act (“CAA”), Illinois EPA approved construction of the plant in 2003. According to its brief, EPA acknowledged that the Endangered Species Act (“ESA”) required consultation with other federal agencies to determine the ecological impacts of a plant prior to EPA’s approval of a permit in all cases where a reasonable chance exists that the plant “may affect” an endangered species. According to the article, prior EPA comments indicated that no consultation was required in the context of air permits, as evidenced by an October 2003 letter from EPA Region V to the United States Fish and Wildlife Service that stated that “a formal consultation was not appropriate [for the Illinois power plant] because EPA lacked ‘discretionary authority’ to initiate it.” In its brief however, EPA articulated that it has “discretionary authority,” in stating “[a]lthough EPA construes the scope of its discretion under the PSD permitting program to be limited by the terms of section 165 of the CAA, section 165 arguably provides EPA limited discretion to consider and address impacts on listed species that may result from issuance of a federal PSD permit.” The acknowledgement that EPA retains discretion to consider endangered species in the permitting context has broader implications to provide the Agency with discretion to consider other areas, such as environmental justice, in granting a PSD permit.

- **“Around South Mississippi,” Biloxi Sun Herald (Miss. Apr. 12, 2006) at 12.** The article contained one item that announced the availability of EPA grants for environmental projects through EPA’s new grant program, “Environmental Justice Grants in Support of Communities Directly Affected by Hurricane Katrina.” \$150,000 was earmarked for funding in the grant program, and EPA planned to make awards of \$25,000 or \$50,000 to eligible applicants in Alabama and Mississippi to address local environmental or public health issues resulting from Hurricane Katrina. Grant applications are due by April 30, 2006.
- **“Growing Landfill Fuels Feud in Plaquemines Community; Residents Cry Foul; Dump Defends Moves,” Times-Picayune (Apr. 11, 2006) at 1.** According to the article, a growing pile of trash and debris adjacent to the Oakville community in Plaquemines Parish has caused a great deal of anger among residents, who have struggled for more than two decades to shut down the Industrial Pipe Landfill (“Landfill”). The problem at the Landfill grew dramatically worse after Hurricane Katrina, despite claims of the Landfill’s President that the Landfill performed a public service by accepting trash and helping with the rebuilding of the City. In addition, the residents expressed dismay with an accidental fire that occurred in March at the Landfill, which “caused respiratory sickness among children and adults living nearby.” Finally, the Tulane Law Environmental Law Clinic, which represents the Oakville Community Action Group, asserted that the Landfill contained a massive dirt pile that violated the State’s

Department of Environmental Quality's permit. The article noted that the residents' negative response to the Landfill was also attributable to "an acrimonious personal feud with an unyielding neighbor." The dispute between the Oakville residents and the Landfill began in the mid-1980s. Since that time, three lawsuits seeking to "close or scale back the facility" were filed. Further, the Landfill was the subject of numerous academic papers that discussed race-based environmental injustices. In addition, the article articulated that EPA filed a complaint "over alleged race-based civil rights violations against Oakville's residents by the Louisiana Department of Environmental Quality, which first issued a temporary permit for the facility in 1994, nine years after it opened."

- **"Ethanol Plants Create Environmental Concerns," Rockford Register Star (IL Apr. 9, 2006) at 3.** The article set forth the opinion of a resident near the site of a proposed ethanol manufacturing facility in Winnebago County, Illinois. The resident criticized the proposed construction of the facility, noting that the "ethanol manufacturing industry has one of the worst EPA compliance records in the country," and [e]thanol production facilities are a significant source of criteria air pollutants including VOCs, CO, NOx (nitrogen oxides), and PM (particulate matter), as well as a number of compounds the EPA has designated air pollutants." In addition, the author stated that "the population of Winnebago County has a 13 percent to 15 percent minority population. [He has] made these demographics available to the U.S. EPA's and [Illinois] EPA's Environmental Justice Coordinators, as well as to city and county officials." The author advocated the protection of county residents and called for air modeling studies and groundwater testing prior to any amendments to the zoning map. The author concluded by urging alternative uses for the proposed facility location, including use as a "transportation logistics center, light industrial or manufacturing, or any number of lower impact uses."

2. **Recent Litigation.**

No noteworthy **Recent Litigation** was identified for this time period.

3. **Regulatory/Legislative/Policy.**

The following items were most noteworthy:

A. **Federal Congressional Bills and Matters.**

- **House Resolution 5160, "Long Island Sound Stewardship Act of 2006," introduced on April 6, 2006 by Representative Robert R. Simmons (R-CT). Status: Referred to House Committee on Transportation and Infrastructure and House Committee on Resources**

on April 6, 2006). This Bill intends to establish the Long Island Sound Stewardship Initiative to identify, protect, and enhance sites within the Long Island Sound ecosystem with significant ecological, educational, open space, public access, or recreational value. The Bill stems from such facts as: the accessible portion of the shoreline of Long Island Sound is not adequate to serve the needs of the people in the area; the existing shoreline facilities are overburdened and underfunded; approximately one third of the tidal marshes have been filled; and much of the remaining natural landscape remains vulnerable to further development. The Bill provides for an Advisory Committee that will, among other things, identify 20 initial stewardship sites and additional recreation areas “with potential as stewardship sites using a selection technique that includes [among other things] environmental justice.” The Advisory Committee will submit an annual report to EPA’s Administrator that provides, among other things, findings, conclusions, and recommendations.

- **House Resolution 5088, “Healthy Places Act of 2006,” introduced on April 4, 2006 by Representative Hilda L. Solis (D-CA). Status: Referred to House Committee on Energy and Commerce on April 4, 2006. See also Senate Bill 2506, “Healthy Places Act of 2006,” introduced on September 29, 2005 by Senator Barack Obama (D-IL) on April 4, 2006. Status: Referred to the Senate Committee on Health, Education, Labor, and Pensions on April 4, 2006.** The Resolution and Bill both seek “to require federal agencies to support health impact assessments and take other action to improve health and the environmental quality of communities.” In addition, the Resolution and Bill also are intended “for other purposes.” Included among the provisions of both documents is the establishment of an Interagency Working Group on Environmental Health (“IWG”), which will “discuss environmental health concerns, particularly concerns disproportionately affecting disadvantaged populations.” The documents set forth the duties of the IWG, which include, among other things, to “determine the range of effective, feasible, and comprehensive actions to improve environmental health, and specified that the IWG should meet at least 3 times per year. Both documents provide for health impact assessments and establish a grant program to further this objective. In addition, a planning and prioritizing council was established to assist in environmental health assessment and environmental health promotion. Members of the council should include, among others, representatives of “minority ethnic groups that are not often actively involved in democratic or decision-making processes.” One type of research that will receive grant support will examine “(i) the extent of the impact of the built environment (including the various characteristics of the built environment) on the health of residents; (ii) the variance in the health of residents by – (I) location (such as inner cities, inner suburbs, and outer suburbs); and (II) population subgroup (such as children, the elderly, the disadvantaged); or (iii) the importance of the built

environment to the total health of residents, which is the primary variable of interest from a public health perspective.”

- No *Miscellaneous House and Senate Congressional Record Mentions of Environmental Justice* were identified for this time period.
- **Federal Register Notices.**
 - **USDA, Eligibility Requirements for USDA Graded Shell Eggs, 71 Fed. Reg. 20,288 (Apr. 19, 2006).** The Agricultural Marketing Service (“AMS”) of the United States Department of Agriculture (“USDA”) amended the voluntary shell egg grading rules “by providing that shell eggs must not have been previously shipped for retail sale [to] be officially identified with a USDA consumer grademark; by changing the definition of the term *eggs of current production* from 30 days to 21 days, thereby making eggs that were laid more than 21 days before the date of packing ineligible to be officially identified with a USDA-consumer grademark; and by adding a definition of the term *shipped for retail sale*.” The rule, which will take effect on June 19, 2006, will strengthen the integrity of the USDA grade shield. The rule considered Executive Order 12898 and noted, “[a]doption of the rule would not require official plants to relocate or alter their operations in ways that could adversely affect such persons or groups. Nor would it exclude any persons or groups from participation in the voluntary shell egg grading program, deny any persons or groups the benefits of the grading program, or subject any persons or groups to discrimination.”
 - **DOT, Environmental Impact on New Transit Operations in Madison, WI, 71 Fed. Reg. 20,155 (Apr. 19, 2006).** The Federal Transit Administration (“FTA”) of the United States Department of Transportation (“DOT”) promulgated the notice to announce that an Environmental Impact Statement (“EIS”) will be prepared for a proposal by the City of Madison to implement new transit operations in an approximately 13-mile travel corridor. The proposal stemmed from growing mobility challenges coupled with very limited opportunity for high capacity expansion. The transportation improvements will hopefully then supplement and enhance existing Metro bus service and extend service to new markets throughout the region. The EIS will consider the impacts and the scope of alternatives, which include No Build, the Transportation System Management Alternative, and various Build Alternatives. Comments are requested by May 29, 2006. Environmental justice is one of the potential areas of impact that will be evaluated.

- **DOI, Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Los Coyotes Band of Cahuilla and Cupeno Indians and the Big Lagoon Rancheria's Fee-to-Trust Transfer and Casino-Hotel Project, San Bernardino County, CA, 71 Fed. Reg. 20,126 (Apr. 19, 2006).** The Department of Interior's ("DOI") Bureau of Indian Affairs ("BIA") announced its intent to gather information to prepare an EIS for a proposed 45 acre fee-to-trust transfer and casino and hotel project in San Bernardino County, California. The proposed action should improve the tribal economy of the Los Coyotes Band of Cahuilla and Cupeno Indians and Big Lagoon Rancheria, as well as assist tribal members to attain economic self-sufficiency. Comments on, among other things, areas of environmental concern that the EIS will address, such as environmental justice, are due by May 19, 2006.
- **EPA, Alkylbenzene Sulfonates Risk Assessment and Preliminary Risk Reduction Options; Notice of Availability, 71 Fed. Reg. 20,090 (Apr. 19, 2006).** EPA announced the availability of its risk assessment, preliminary risk reduction options, and related documents for the pesticide alkylbenzene sulfonates, which encompasses sodium dodecylbenzene sulfonate, dodecylbenzene sulfonic acid, and benzenesulfonic acid, C10-C16 alkyl derivatives. In soliciting public comment on these documents by June 19, 2006, EPA requested that the public suggest risk management ideas or proposals to address the identified risks. EPA is developing a Reregistration Eligibility Decision ("RED") for alkylbenzene sulfonates through a modified four-phase public participation process to ensure that all pesticides meet current health and safety standards. This is Phase 3 of the 4-Phase Process. To help address potential environmental justice issues, EPA seeks, among other things, "information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to alkylbenzene sulfonates, compared to the general population."
- **EPA, Oregon: Proposed Authorization of State Hazardous Waste Management Program Revision, 71 Fed. Reg. 19,471 (Apr. 14, 2006).** EPA announced that it had reviewed the State of Oregon's proposed changes to its hazardous waste program under the Resource Conservation and Recovery Act ("RCRA") and preliminarily determined that these changes satisfy all requirements needed for final authorization. Accordingly, EPA proposed to authorize the State's changes and sought comments on the rule by May 15, 2006. The rule authorized Oregon to operate its hazardous waste program and carry out all aspects of the RCRA program that was described in its revised program application. If

the rule becomes final, a facility in Oregon subject to RCRA would have to comply with the authorized State requirements instead of the federal RCRA requirements. The proposed rule addressed the requirements of Executive Order 12898 by asserting that “[b]ecause this rule proposes authorization of pre-existing State rules and imposes no additional requirements beyond those imposed by State law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.”

— **EPA, Washington: Final Authorization of State Hazardous Waste Management Program Revisions, 71 Fed. Reg. 19,442 (Apr. 14, 2006).** EPA announced that it had reviewed the State of Washington’s changes to its hazardous waste program under RCRA, for which the State had not previously sought authorization. In authorizing the State-initiated changes to its program, EPA determined that the State’s actions were minor and satisfied all requirements to qualify for final authorization. The action requires that a facility in Washington subject to RCRA will continue to be subject to the authorized State requirements and to the federal RCRA provisions for which the State is not authorized. The final rule, which takes effect on June 13, 2006 unless adverse comments are received before May 15, 2006, addressed Executive Order 12898. Specifically, the rule provided that “[b]ecause this rule addresses authorizing pre-existing State rules and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.”

— **HHS, The Community and Tribal Subcommittee of the Board of Scientific Counselor (“BSC”), Centers for Disease Control and Prevention (“CDC”), National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (“NCEH/ATSDR”): Meeting, 71 Fed. Reg. 18,764 (Apr. 12, 2006).** In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (“FACA”), CDC and NCEH/ATSDR announced that the Community and Tribal Subcommittee (“CTS”) would hold a meeting on May 3, 2006 in Atlanta, Georgia that would be open to the public. At the meeting, CTS will provide a “forum for community and tribal first-hand perspectives on the interactions and impacts of NCEH/ATSDR’s national and regional policies, practices, and programs.” The agenda includes a discussion on environmental justice that focuses on such topics as: the “development of a strategy and ideas for implementation within the agencies; a presentation of the Anniston, Alabama Community Resource Directory Project; a presentation of the Bell Gardens, California Asthma Study; and an update of tribal requested projects.”

- **DOD, Intent to Prepare a Joint Environmental Impact Statement/Environmental Impact Report for the San Francisquito Creek Study, San Mateo and Santa Clara Counties, CA, 71 Fed. Reg. 18,292 (Apr. 11, 2006).** The United States Department of Defense’s Army Corps of Engineers (“Corps”), Los Angeles District, announced that it intends to prepare a joint Environmental Impact Statement/Environmental Impact Report (“EIS/EIR”) with the San Francisquito Creek Joint Powers Authority in San Mateo and Santa Clara Counties, CA to consider opportunities to reduce both fluvial and tidal flooding, to reduce the threat to public safety due to flooding, and to restore ecosystem quality and function, where possible. Flooding in the San Francisquito Creek represents a common occurrence. The EIS/EIR will analyze the environmental impact of possible flood damage reduction and ecosystem alternatives, including no action, with the end goal of reducing flood damage and improving environmental conditions in the San Francisquito Creek Watershed. Environmental considerations will be fully evaluated, including such environmental issues of concern like environmental justice. Comments must be submitted by May 26, 2006.

B. State Congressional Bills and Matters.

- **California, Assembly Concurrent Resolution 142, introduced on April 6, 2006 by Assemblyman Fabian Nunez (D-District 46). Status: Amended and Rereferred to Assembly Committee on Transportation on April 17, 2006.** The Bill proposed to designate the Interstate 5 and Interstate 710 interchange in Los Angeles as the Marco Antonio Firebaugh Interchange. In addition, the Bill requests that the Department of Transportation determine the cost of appropriate signs that reflect this designation and, subsequently, to erect those signs. According to the Bill, Mr. Firebaugh passed away at the age of 39, while running for election to the California State Senate. He had previously served the State Assembly from 1998 to 2004 for the 50th District in Southeast Los Angeles County, after being elected at the age of 32. Mr. Firebaugh was particularly recognized for his “impressive legislative and advocacy record on behalf of California’s working families and their children” and was a champion for the Latino community. In addition, Mr. Firebaugh “demonstrated outstanding leadership in introducing legislation aimed at improving the lives of immigrants and low-income communities that are most severely impacted by air pollution.” Finally, the Bill acknowledged Mr. Firebaugh’s recognition of the importance of environmental justice issues,” which led him to author “air quality legislation that provides funding for the State’s most important air emissions reduction programs” and “ensures that state funding be targeted to low-income communities that are most severely impacted by air pollution.”

- **California, Senate Bill 1205, introduced on January 25, 2006 by Senator Martha M. Escutia (D-District 30). Status: Rereferred to Senate Committee on Environmental Quality on April 20, 2006. Hearing Scheduled on April 24, 2006.** This Bill, the “Children’s Breathing Right’s Act,” would increase the maximum civil penalties and criminal fines for specified violations of air pollution laws. The Bill seeks to “improve the enforcement of [the State’s] air quality laws and ensure that penalties are not so low as to be a minor inconvenience to a serious and chronic air polluter, [the State’s] children’s right to clean and healthy air can be better protected, as can the right to environmental justice.” In addition, the Bill would create a new category of “serious and chronic violators,” as well as mandate the establishment of a state website to track violations. A percentage of the penalties collected would be used to fund children’s health and asthma initiatives.
- **California, Senate Bill 1377, introduced on February 21, 2006 by Senator Nell Soto (D-District 32). Status: Amended. Rereferred to Senate Committee on Environmental Quality on April 18, 2006. Hearing Scheduled on April 24, 2006.** This Bill will allow the State Air Resources Board to enter into a voluntary agreement with a public or private entity regarding matters involving the control of vehicular air pollution. Any agreement to reduce emissions cannot be longer than two years in duration. Before ratifying an agreement, the State Board shall, among other things, prepare a written report that will include an assessment of the local cumulative impacts and environmental justice implications.
- **California, Senate Bill 1505, introduced on February 23, 2006 by Senator Alan S. Lowenthal (D-District 27). Status: Rereferred to Senate Committee on Environmental Quality on April 17, 2006. Hearing Scheduled on April 24, 2006.** This Bill declares the Legislature’s intent to increase the production and use of hydrogen-based alternative fuels by adopting the Hydrogen Highway Network Blueprint Plan (“Plan”) that the Cal/EPA developed. In addition, the Bill provides that when the Plan is implemented, it will be done in a clean and environmentally responsible manner. The Bill would require the State Air Resources Board to adopt regulations that will ensure that state funding for the production and use of hydrogen contributes to the reduction of greenhouse gas emissions, criteria air pollutants, and toxic air contaminants. Among other noteworthy provisions includes the Bill’s requirement that the Cal/EPA’s Environmental Justice Advisory Committee meet at least twice annually to discuss the production and distribution of hydrogen fuel in the State.
- **California, Senate Bill 1515, introduced on February 23, 2006 by Senator Christine Kehoe (D-District 39). Status: Amended.**

Rereferred to Senate Committee on Appropriations. The Bill would require the California Integrated Waste Management Board (“Board”) to study the impact of increasing operating hours at solid waste facilities. Specifically, the Bill would look at the environmental benefits of expanding the operating hours to reduce traffic congestion and allow collection and transfer vehicle fleet operators to access the facilities during off-peak hours. In conducting its study, the Board shall consult with, among others, organizations representing environmental and environmental justice interests.

- **Hawaii, Senate Bill 2145, introduced on January 23, 2006 by Senator Colleen Hanabusa (D-District 21). Status: Referred to House Finance Committee on March 24, 2006. Senate disagrees with House Amendments on April 13, 2006. House received Notice of Senate Disagreement on April 13, 2006. House and Senate Conferees appointed on April 17, 2006.** The Bill will appropriate an unspecified amount out of the general revenues of the State for the environmental council to contract with a consultant to facilitate and coordinate the State’s environmental justice activities, which will include: (1) defining environmental justice through educational community outreach activities; (2) developing and promulgating a guidance document that addresses environmental justice in all phases of the EIS process; (3) recommending to update the EIS process; and (4) conducting educational and community outreach activities. In addition, the Office of Environmental Quality Control shall contract with the University of Hawaii Environmental Center to conduct a comprehensive review of the State’s current EIS process.

- **Maryland, Senate Bill 350, introduced on January 30, 2006 by Senator Lisa A. Gladden (D-District 41). Status: Senate Concur – House Amendments; Passed Enrolled on April 6, 2006. See also Maryland, House Bill 412, introduced on January 27, 2006 by Representative Nathaniel T. Oaks (D-District 41). Status: Third Reading Passed with Amendments on April 2, 2006.** This Bill establishes a Task Force on Minority Participation in the Environmental Community. It requires the Task Force to evaluate and make recommendations regarding methods of improving minority participation in the environmental community, as well as methods of improving communication to minority communities. In addition, the Task Force should make recommendations on methods for improving the flow of information and services into minority communities. The Task Force should include, among others, one representative from Maryland’s Commission on Environmental Justice and Sustainable Communities.

- **New York, Senate Bill 635, introduced on January 19, 2005 by Senator Carl L. Marcellino (R-District 5). Status: Amended and Recommitted to Senate Committee on Environmental Conservation on**

April 17, 2006. The Bill creates a state urban pesticide board to study and report on the application of pesticides in urban areas. In addition, the Bill delineates the pesticide board's functions, powers, and duties and requires such board to make a preliminary and final report. Further, the Bill requires the board to make recommendations for legislative action and requires alternative pesticide training. The Board shall consist of eight at large members, including a representative of an organizations focused on environmental justice issues.

- **New York, Assembly Bill 6448, introduced on March 11, 2005 by Assemblyman Keith L.T. Wright (D-District 70). Status: Amended on April 11, 2006.** This Bill amends the environmental conservation law by creating a State Urban Pesticide Board ("Board") on the application of pesticides in urban areas. In addition, the Bill specifies the Board's functions, powers, and duties and requires the Board to create a preliminary and final report that, among other things, makes recommendations for legislative action. In addition, the Bill calls for alternative pesticide training. The Board shall consist of ten members, including one representative of an organization that is focused on environmental justice issues. The Bill has three primary purposes, which are to: (1) investigate the sale and usage of industrial strength pesticides in urban areas; (2) increase enforcement of existing restrictions on retail sales; and (3) educate the public about the hazards of pesticide use in the home.
- **State Regulatory Alerts.**
 - No noteworthy **State Regulatory Alerts** were identified for this time period.